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Matei, Florina Cristiana

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FLORINA CRISTIANA MATEI

The Media's Role in Intelligence Democratization

Freedom of media: “once in place, it is an extraordinarily powerful catalyst for other democratic reforms.”¹

In their path toward democratic consolidation, emerging democracies endeavor to ensure the democratic transfer of political power, bring changes in the legal framework, transform their executive, legislative, and judicial systems, boost free market economy, and develop robust and functional civil societies. They also institutionalize democratic civil–military relations (CMR) by establishing new security institutions—military, police, and intelligence agencies—that are under democratic civilian control,

Florina Cristiana Matei has been a research associate and lecturer at the Naval Postgraduate School's Center for Civil-Military Relations (CCMR), Monterey, California, since 2003. A native of Romania, she earned her B.S. in Physics (Nuclear Interactions and Elementary Particles) at the University of Bucharest, then worked for the Romanian Ministry of Defense as a civilian subject matter expert. She later earned an M.A. in International Security Affairs and Civil-Military Relations at the Naval Postgraduate School, and is currently a doctoral candidate in the War Studies Department at King's College London. A frequent author on security matters, she is co-editor, with Dr. Thomas C. Bruneau, of The Routledge Handbook of Civil-Military Relations (London: Routledge, 2012). An earlier version of this article was presented at the Annual Meetings of the International Studies Association, San Francisco, California, in April 2013. The views expressed in this document are those of the author and do not necessarily reflect the official policy or position of the U.S. Department of Defense or the U.S. government.

effective, and efficient. Of these many tasks, the democratization of intelligence agencies is by far the most daunting, as effectiveness and efficiency involve secrecy, while democratic control implies transparency, openness, and accountability. Nevertheless, democratic reform of intelligence in new democracies, though difficult, is not impossible, if and when civilians are interested and willing to “invest” in intelligence and intelligence reform. The contribution of external factors, such as media,² civil society, international groups, and individuals involved in human rights, may also be instrumental in achieving a balance between control and effectiveness of intelligence (see Table 1).

RELEVANCE

The academic, professional, and journalistic literature on intelligence in developed democracies is abundant, with many competent studies on intelligence in the United States, United Kingdom, and Israel, including articles and books on the role of the media in intelligence reform. In addition, the literature on intelligence in developing democracies is growing: respectable journals such as the *International Journal of Intelligence and CounterIntelligence*, *Intelligence and National Security*, *Studies in Intelligence*, *Democratization*; regional and international institutions including the Geneva Center for the Democratic Control of Armed Forces (DCAF), the RAND Corporation, and the Center for Civil-Military Relations (CCMR), to name a few that have contributed a wide range of valuable resources on the topic,³ while virtual libraries and data bases, such as those of the Federation of American Scientists (www.fas.org) have become excellent sources of information on intelligence in new democracies.

Most of the literature on intelligence in the newer democracies focuses on how to achieve control and transparency, which is very important considering the role and place of intelligence services in past non-democratic regimes, rather than on achieving intelligence effectiveness, which, in the age of information, terrorism, and organized crime, is equally important. Yet, only limited research has been done with regard to the media’s role in intelligence reform in new democracies, particularly in regard to its effectiveness.

DEMOCRATIZATION OF INTELLIGENCE AS A SUBSET OF CIVIL-MILITARY RELATIONS

In previous works, Professor Thomas Bruneau and I proposed a framework that we believe better captures the priorities and requirements of both democratic consolidation and contemporary security challenges. It consists

Table 1. Requirements for Control and Effectiveness: Media's Role

Requirements	Control			Effectiveness		
	Institutional Control Mechanisms	Oversight	Professional Norms	Plan or Strategy	Institutions	Resources
Media	Relevant Influence	Relevant Influence	Moderately Relevant Influence	Moderately Relevant Influence	Relevant Influence	Very Low Influence

of a trinity: (1) democratic civilian control of the security forces—military, police, intelligence; (2) the effectiveness of the security forces in fulfilling their assigned roles;⁴ and (3) their efficiency, that is, fulfilling the assigned roles and missions at a minimum cost. Democratic reform of intelligence can be analyzed with this framework.⁵

Democratic civilian control (DCC) is conceptualized in terms of authority over the following: institutional control mechanisms, oversight, and the inculcation of professional norms, although these norms can also contribute to effectiveness. Institutional control mechanisms involve providing direction and guidance for the security forces, exercised through institutions that range from organic laws and other regulations that empower the civilian leadership to civilian-led organizations with professional staffs. The latter can include a ministry of defense for the military, a ministry of the interior for the national police, and a civilian-led intelligence agency; one or more committees in the legislature that deal with policies and budgets; and, a well-defined chain of authority for civilians to determine roles and missions, such as a National Security Council-type organization. Oversight is exercised on a regular legal basis by the civilian leadership to keep track of what the security forces do, and to ensure they are in fact following the direction and guidance they have received from the civilian chain of command. In a functioning democracy, oversight is exercised not only by formal agencies within the executive, legislative, and judicial branches, but also by the independent media, NGOs, think tanks, and even international organizations, such as human rights courts. Professional norms are institutionalized through legally approved and transparent policies for recruitment, education, training, and promotion, in accordance with the goals of the democratically elected civilian leadership, thus internalizing the previous two control mechanisms.

Effectiveness in fulfilling roles and missions involves three necessary, yet not necessarily sufficient, requirements. First, a plan must be in place, which may take the form of a strategy or even a doctrine. Examples include national security strategies, national military strategies, white papers on security and defense, strategies for disaster relief, strategies on organized crime, doctrines on intelligence, counterterrorism doctrines, and the like. Second, structures and processes are required to both formulate the plans and implement them. These include ministries of defense and interior, national security councils, or other means that facilitate jointness or interagency coordination, as well as international cooperation. Third, a country must commit resources, in the form of political capital, money, and personnel, to ensure that it has sufficient equipment, trained forces, and other assets needed to implement the assigned roles and missions. Lacking any one of the three components casts doubt on how any state could effectively implement any of these roles and missions.⁶

MEDIA AND DEMOCRATIZATION

Of multiple definitions and conceptualizations of democratic consolidation (COD),⁷ the conceptualization provided by scholars Juan Linz and Alfred Stepan highlights the relevance of civil society in the COD process. They equate democratic consolidation with the existence of five complementary and interacting arenas operating within a functioning state: (1) a free and lively civil society (which includes media), where citizens, groups, and, movements, generally autonomous from the state, associate to convey shared ideas, concepts, interests, and values; (2) a relatively autonomous and valued political society, whereby the polity arranges itself to dispute the legitimate right to exercise control over public power and the state apparatus, and which includes political parties, elections, electoral rules, political leadership, interparty alliances, and legislatures; (3) a rule of law (ROL) arena, namely a spirit of constitutionalism and a clear hierarchy of laws, interpreted by an independent judicial system and supported by a strong legal culture in the civil society, to ensure legal guarantees for citizens' freedoms and independent association life; (4) a functioning state bureaucracy whereby the democratically elected government utilizes its claim to the monopoly of the legitimate use of force in the territory (to command, regulate, extract) effectively, and to enforce the law in order to protect citizens rights and deliver other goods; and (5) an institutionalized economic society, whereby socio-politically crafted and socio-politically agreed-upon norms, institutions, and regulations exist to mediate between state and market.⁸

Notably, the first arena they list is the "free and lively civil society," whose role is to provide a check on state power: "A robust civil society, with the capacity to generate political alternatives and to monitor government and state can help transitions get started, help resist reversal, help push transitions to their completion, help consolidate, and help deepen democracy. At all stages of the democratization process, therefore, a lively and independent civil society is invaluable."⁹ Another author, Judith Lichtenberg, has put it succinctly: "Freedom of the press has been thought a necessary safeguard in a democratic society"; while free media and unhindered and unbiased journalism are, according to Julianne Schultz, the "handmaiden of democracy."¹⁰ As the Canadian scholar and democratic control of armed forces (DCAF) expert Marina Caparini explains, "Democracy is strengthened and its integrity ensured by the free flow of information and competition among public and commercial media articulating (often under force of law) a variety of political viewpoints to educate the public and allow it to make informed choices...."¹¹ Sanford J. Ungar has stressed "the fundamental role of a free press in sustaining democracies everywhere, and in helping to build them where they do not

exist. This role transcends national borders, ideological fashions, and short-term changes in political climate.”¹²

MEDIA AND INTELLIGENCE DEMOCRATIZATION: POTENTIAL ROLES

Democracies, virtually all agree, require “opposition parties and a civil society, and . . . independent news media.”¹³ In this context, can media play a part in the democratization of intelligence in new democracies? If yes, how?

By examining the media’s behavior in some new democracies, at least five media roles can be identified in the context of democratic reform of intelligence: informing the public; liaising government with the citizens; helping boost government legitimacy; exercising informal external oversight of the government; and providing a “learning” environment for elected officials and the public.

Informing the Public

Various elements of the media inform the citizenry and help shape public opinion. Few citizens have the time and resources to do their own research on politics and government policies, including elections and electoral campaigns, domestic and foreign policies, national security, and international developments. They rely on the media to acquire information, knowledge, and form ideas. As American academic and former intelligence professional Kenneth Dombroski put it,

The publication or broadcast of policies and events through the news media, whether these policies are related to national security or the price of corn, is the only way that most people can become informed in a timely manner about issues that may impact their lives. Without a free press printing what is of interest to the public, the average citizen would be at a greater disadvantage versus the privileged . . .¹⁴

The media observe, report, and channel important political and security information to the public, and help the public interpret said information and form opinions, thus fostering citizens’ participation in political life. With regard to intelligence, the media inform citizens on national security issues—from threats and challenges to national security, to current government policies pertaining to national security, roles and missions of security institutions (intelligence, police, military) in averting and combating national security threats, including the need for a certain level of secrecy. Any progress and/or potential flaws in state institutions’ response to national security issues, as well as necessary reforms, are also often reported and monitored by the media.

In Romania, since the end of the Communist regime in 1989, newspapers, as well as several radio stations and television channels, have sporadically

brought to public debate issues regarding national security, the democratization of the security institutions, along with other aspects and challenges to intelligence and national security. Radu Tudor (Romania's correspondent for the British media outlet *Jane's*), Doru Dragomir, Sabina Fatti, and Bogdan Chireac are but a few of the journalists who have been informing public opinion domestically and abroad on defense, security, intelligence issues and developments, the status of intelligence reform, abuses, wrongdoing, and policies. Likewise, in Peru, after the fall of the Fujimori regime in 2000, the media disclosed cases of illegal wiretapping and the lack of progress in democratic reform of intelligence.¹⁵ In Argentina, after two successful terrorist attacks (in 1992 and 1994) which cast doubt on the effectiveness of the country's intelligence agencies, the media informed the public about the observations and recommendations of the Joint Committee for the Oversight of Internal Security and Intelligence Activities and Agencies to the Executive.¹⁶ In South Korea, the media's coverage and criticism of the National Intelligence Service (NIS) exposed issues pertaining to the service's lack of accountability and effectiveness, as well as with ethical problems, wrongdoing, and corruption scandals.¹⁷ In Mongolia, "according to public opinion polls conducted in 2009, 28.3 percent identified the newspapers as a main source of information about intelligence activities, whereas an additional 35.4 percent identified television and radio."¹⁸

In addition, media can inform about issues that were previously not a topic of public debate, or they might bring new interpretations, opinions, and arguments to an existing story.¹⁹ Indeed, the international, then domestic, media—not intelligence agencies or control mechanisms—let the U.S. and Romanian publics know about rendition and black sites in Europe. In Spain, media exposure of intelligence wrongdoing and scandals in the 1990s let the citizens know for the first time about the existence of intelligence agencies. As scholar Antonio Diaz Fernandez notes: "After years in which the Intelligence Services were inexistent for the citizens, they suddenly were surprised with the outbreak of a new period where the Spaniards daily had breakfast with new revelations on the undercover activities of the Intelligence Services."²⁰

Liaising Government with Citizens

Besides conveying information, the media act as a virtual forum, where citizens "meet" and "interact" with their government. Essentially, the media constitute a "public sphere," "an institutional framework, and set of practices which encourage wide and inclusive public debate about issues of social and political importance," a "mobilizing" element which provides "incentives to citizens to become more informed and involved."²¹ With

regard to intelligence, the media, and other components of civil society are channels that facilitate the transmission of “pulses” of transparency from a space of secrecy. “Media” constitutes a milieu of debate, dialogue, liaison, and networking among policymakers, security institutions, and the citizenry. Virtually, through debates and dialogue, the media can shape both public and government agendas. Indeed, as Marina Caparini maintained, “media in a democratic society have a responsibility for ‘keeping the democratic conversation going’ and keeping society open to a diversity of ideas, but it shares this responsibility with other figures such as politicians . . . and citizens.”²²

Through the media, government institutions and elected officials communicate their interests, viewpoints, priorities, intentions, concerns, strategies, and policies to the public. As British scholars Peter Gill and Mark Phythian have noted, “Agencies . . . now make some of their analyses directly available to the public; by definition, . . . unclassified, and . . . likely to be in the category of basic intelligence, but they are a welcome element of the more general democratization of intelligence in recent decades.”²³ For example, immediately after taking office as Director of the Czech Republic Security and Intelligence Service (BIS), Jiri Ruzek (1999–2003), revealed that his first priorities “would be to stabilize the BIS and improve the security clearance process,” which according to Canadian scholar Stéphane Lefebvre, he did.²⁴ In Romania, Director George Christian Maior announced the Intelligence Service’s (SRI) two “Strategic Vision” reforms via the Internet, newspapers, television, and radio channels. Along with the directors of the Foreign Intelligence Service (Serviciul de Informatii Externe—SIE) and the General Directorate for Defense Intelligence (Directia de Informatii a Aparatii—DGIA), Dr. Maior has frequently participated in talk shows and given press briefings on security threats, and the role of intelligence in policy versus politicization of intelligence. In Brazil, in 2005, the Agencia Brasileira de Inteligencia (ABIN) invited media to its first conference on Intelligence and Democracy, whereby they conveyed their and international participants’ information regarding the need for intelligence in a democratic system, and how to balance the need for transparency with the need for effectiveness. In 2013, Portugal organized a course and invited the public and media representatives to discuss the challenges of intelligence reform in a democracy and help develop an “intelligence culture.”²⁵

Media is also the place for leaking information that might not have been considered by official control and oversight mechanisms to be releasable, or when citizens in possession of (classified) intelligence information could not approach formal control and oversight institutions and instead contacted journalists.²⁶ In the Czech Republic, for instance, in 1999, shortly before the dismissal of BIS Director Karel Vulterin (1997–1999)

due to government dissatisfaction with the security service and allegations of illegality (i.e., failing to give prior notice the government on a potential threat and of the recruitment of an Iraqi operative), BIS officers leaked to the media classified information on a British Secret Intelligence Service (MI6) officer, listed as an advisor at the British Embassy.²⁷ And, in Brazil, in 1998, information was leaked to the media on the Satiagraha Operation, a Federal Police intelligence operation investigating corruption, money laundering, and other crimes, which involved illegal wiretapping by the Police Intelligence and ABIN of politicians, ministers, bankers, public servants, lawyers, and judges.²⁸ In Spain, in 1995, Juan Alberto Perote, the head of the Centro Superior de Informacion de la Defensa's (CESID) Operations Group, leaked 1200 documents from the intelligence service (also known as the *Caso Perote*), which revealed illegal wiretapping by the intelligence services of politicians, journalists, and other public figures, including King Juan Carlos.²⁹

Opposition parties may also use the media to raise citizens' interest in a particular topic or to signal government misbehavior.³⁰ Spain, for example, has a highly politicized press: According to Richard Schweid, "Television, radio, and newspapers at national, regional, and local levels are generally aligned with a political party, and this is frequently reflected in their news content, as well as on their editorial pages."³¹ In Romania, the opposition used the media to "advertise" its planned impeachment of President Traian Basescu in both 2007 and 2013.³²

Further, media is collectively the place where the public, either directly interacting with the political class or not, reacts to and debates political issues, and government matters, actions, and inactions, and compares its own attitudes and opinions with those of others'. For example, with regard to intelligence, citizens use blogs, journal comments, radio and TV question and answer (Q&A) sessions to inquire about, comment on, discuss, debate, criticize, or favor intelligence issues and developments. Since democratic governments claim that the people are the nation, their individual and collective interests actually equate to the national interest and national security. Therefore, their voices should be heard, and the media is the place to do so. For example, in 2010–2012, in Indonesia, media was the forum of heated debate on whether or not the bill on Intelligence to allow the Badan Intelijen Negara/State Intelligence Agency (BIN) to arrest people should pass. On the same note, in South Africa, in the 2000s, the Protection of Information Bill was amply debated in the Ministry for Intelligence Services, the Cabinet, and Parliament, as well as in the public arena and media.³³ Likewise, when Romania's intelligence agencies in 2003 revealed their intentions to establish a "partnership" with the civil society to boost intelligence transparency and effectiveness, many citizens reacted in the media via newspapers' comment sections, calling

radio stations and television channels, and/or creating their own blogs. In Chile, a notable debate took place among the armed forces, civilian leadership, civil society, and the media on civil–military relations issues, as well as on strategic documents in the early 1990s.³⁴ In Argentina, since 1984, debates have been conducted in the mass media on intelligence roles and missions, legal framework, abuses and ethical issues, and similar matters.³⁵ In Mongolia, since the regime change in 1992, sporadic debates in the media on cases of politicization of intelligence have “caused public sensitivity and aroused suspicions about the intelligence services’ involvement in domestic politics,” and led to reforms in the legal framework and personnel.³⁶ In Peru, media and public opinion have debated issues pertaining to the “proliferation private intelligence companies, hiring retired military officers, performing illegal espionage activities, getting involved in turf wars, and making use of information available from the services” otherwise absent in the legal framework.³⁷

Finally, media is the place where government officials and politicians learn what the public opinion is vis-à-vis their behavior, beliefs, and policies, thereby helping them decide whether to either halt or further the debate. For example, public opinion in South Africa rejected the Protection of Information Bill, labeling it a “sinister proposal, the enemy of democracy and a blatant attempt to gag the media.”³⁸ Romania’s intelligence agencies did not give up on the idea of public relations (PR) and partnership, which has admittedly boosted the development of an intelligence and security culture in that country, at least as compared to other new democracies, with debates on intelligence and democracy constantly taking place.

Helping Boost Government Legitimacy

Media may also play a role in strengthening government legitimacy. Through the media intelligence agencies can garner trust and support from elites and the general public even if working in secrecy. As scholar Claudia Hillebrand contends: “By informing the public about the work of intelligence services and related policies, they help legitimize the intelligence services.”³⁹

In an article on Eastern European intelligence reform, Alex Martin has written:

An outspoken media ... is a key sign of the success of a social reform process, and rather than see them as a threat or an obstacle, intelligence services undergoing reform should harness the new power of the media to explain why intelligence services are and continue to be needed. As well as persuading the public of the need for intelligence services, such a debate, particularly if it gives the public a voice in designing the intelligence architecture and oversight mechanisms, would increase the chances that the public felt a degree of ‘ownership’ of the

services and the structures which governed them, and therefore, that the intelligence services acted as a guarantor of rather than a threat to their security.⁴⁰

Media is the avenue for public access to intelligence organizations, structures, personnel, reforms, declassified data and materials, policy issues, and policy implementation. In virtually all new democracies, intelligence agencies have Websites whereby the public can obtain generic information on threats, roles, and missions of intelligence, and staffing procedures, as well as on mechanisms of accountability, transparency, and democratic civilian control.

Nevertheless, public outreach is a common practice in only a few new democracies. Of these, notable are Romania's efforts toward reaching out to non-governmental organizations (NGOs), academia, think tanks, media, and ultimately to society.⁴¹ In Mongolia, too, the General Intelligence Agency has lately been reaching out to the public via press conferences and interviews, and its press office, created in 2001, which became a PR Service in 2008, "responds to all public inquiries, publicizes activities of the intelligence services, and provides official positions and explanations."⁴² Intelligence official Col. Jargalsaikhan Mendee noted: "Interestingly, the number of people who learn about activities of the intelligence services from the General Intelligence Agency's Website (www.gia.gov.mn) has increased significantly: 9.5 percent in 2008 and 12.9 in 2009."⁴³ Kenya's former intelligence agency, the National Security Intelligence Service (NSIS), was actively utilizing media to make itself known to Kenyan citizenry.⁴⁴ Its Website provided information on NSIS's regulatory framework, roles and missions, and capabilities, listed hiring requirements, and published speeches of the former Director General. In addition, its successor, the National Intelligence Service (NIS) has been very supportive of media discussion and debate on intelligence and security issues, a not very common position in Africa. Further, former intelligence leaders are contributing to the literature on intelligence in new democracies. For instance, its former director general, Wilson A. C. Boinett, collaborated with recognized academics on a volume on "Changing Intelligence Dynamics in Africa" in 2009. The NSIS thus understood the role of the media as a bridge between Kenyan citizens and their government, as well as the media's role in strengthening intelligence legitimacy and credibility.⁴⁵

With regard to declassification, opening non-democratic files may arguably and initially cause more harm to intelligence agencies rather than helping boost their legitimacy, especially if grave abuses are revealed. But it may ultimately build up public trust in intelligence, in that the citizens will appreciate intelligence agencies' efforts to become more open. Nevertheless, the declassification of more recent materials, in particular

those related to operational successes, actually helps increase the agencies' legitimacy, especially in countries with high security risks. Argentina is currently undergoing a process of declassification of secret decrees and secret executive branch administrative decisions, except those jeopardizing national defense, domestic security, or foreign policy, or those involving the South Atlantic War (Falklands War) with Great Britain, or any other interstate conflict.⁴⁶ In Romania, besides the declassification of thousands of the former Securitate files since 1999 when the Law on the Access to the Personal File and the Disclosure of the Securitate as a Political Police was enacted, the security agencies have declassified information and made it available to researchers and academics from both Romania and abroad. During my research visit in 2010 to Romania's Domestic Intelligence Service (SRI), the service declassified some information to enable me to do research on its Anti-Terrorist Brigade.

The Persuasive Capability. An intelligence agency may utilize media outlets to convince the citizenry that its actions will achieve the policy goals drawn by the elected officials. The bottom line for any government institution is public perception of its conduct, capabilities, and performance. Therefore, any progress toward policy goals, when covered by the media, may boost public trust and support in intelligence agencies, especially if media as a whole have high prestige. If the media cover democratic reform of intelligence positively, they may show citizens that the agencies are trustworthy, and that they conduct their work according to the legal framework and mandate imposed upon them by the elected officials. Some Romanian newspapers actually praise the country's intelligence community for doing "its job." As one editor put it: "I am sure I will irritate many people with my words, but the truth is that at this moment SRI is one of the most serious and effective institutions in Romania and proof of successful reform."⁴⁷ On the same note, the reporting of successful intelligence operations is an important aspect of the overall legitimating process.⁴⁸ For example, frequent news briefings by SRI and/or SIE leaders in Romania after the Islamist attacks on New York and Washington on 11 September 2001 (9/11) and other similar attacks throughout the world, helped inform the public on national security threats and intelligence capabilities to avert security threats. Media coverage and reporting on various successful intelligence counterterrorism and counterintelligence operations and related political developments—such as the freeing of the journalists kidnapped in Iraq in 2005, Romania's contribution to the arrest of international arms trafficker Viktor Bout in 2008, Federal Bureau of Investigation (FBI) and SRI collaborative anti-cyber hacking activities—has incrementally increased public trust in the nation's intelligence agencies. A February 2013 poll revealed that Romanians place the SRI in third place in people's trust, after

the Church and the Armed Forces.⁴⁹ Enhancing confidence in the work of intelligence agencies is very important, for instance, when hiring new personnel, striving to secure sufficient resources, and building credibility with intelligence consumers, especially in new democracies, where intelligence carries a stigma associated with abuses and violations during the nondemocratic rule, and people are initially reluctant to join.⁵⁰

In addition, the inclusion of a wide spectrum of groups, opinions, ideas, and perspectives in debates on intelligence and national security issues and policies may result in an improved legitimacy of policy processes.⁵¹ Inclusion prompts citizens to champion national security and intelligence, and favor both transparency and effectiveness of security agencies. The Mongolian National Intelligence Academy's Research Center now organizes conferences and academic sessions. Such inclusion has increased the intelligence community's legitimacy with the result that the "public emphasizes the autonomy of the intelligence services from politics, recognizes the increasing role of the intelligence services in national security affairs, and appreciates the opening of the intelligence services to public awareness . . . 23.9 percent of the participant responses emphasized the greater openness of the intelligence services that began in 2008; this percentage reached 35.6 percent in 2010."⁵² In Romania, the protocol of cooperation between the SIE and the University of Bucharest, whereby master of arts (MA) students from the university can participate in an "OSINT [open source intelligence] internship program" "to acquire practical experience—which supplements the experience of university studies—in a field of activity reserved for elite professionals" can also improve the SIE and perhaps the rest of the intelligence community's (IC) legitimacy.⁵³

In this context, since even in the new democracies intelligence agencies are aware of the importance of support from taxpayers as much as from policymakers, many of those agencies have developed "pro-active" public relations (PR). At the minimum, PR allows intelligence agencies to ensure that media is not using sensationalist stories (e.g., focusing on scandals and failures rather than successes) to distort the IC's public image, which in a new democracy is anyway weak. At the maximum, PR may have broader implications regarding increased public support for policy and security as well as the agencies' effectiveness. As Alex Martin has contended:

It is important to put in place a process to demonstrate to the public the value of the intelligence services, and ways to measure that value. Intelligence work by its nature is secret, but the public need to be convinced on an ongoing basis that it needs doing. The people's approval should not be taken for granted. Owing to its secretive nature, this communication with civil society needs to be seen as a key pillar of intelligence reform.⁵⁴

Exercising Informal External Oversight of the Government

A key role performed by the media in a democracy is that of “informal external oversight” of the government. As Britain’s Lord Macaulay stated as early as 1832, media is a “fourth estate”⁵⁵ because it complements the three official branches of government—the executive, legislative, and judiciary—if or when these are unable or unwilling to fulfill their responsibilities. In this context, American journalist Peter Eisner noted that “journalism . . . has always had a basic obligation—standing up to power and reporting to the public on the abuse of power, as a sort of ombudsman.”⁵⁶ Or, as Claudia Hillebrand asserted, media has “an obligation to keep governments in check and investigate their activities. This includes the realm of intelligence.”⁵⁷ To paraphrase United States military officer Jon Mordan, who addressed the relationship between the military and the media in a democracy, essentially, the news media are suspicious of the intelligence sector. And they should be. Questioning is the media’s job because intelligence without public scrutiny can lead to dictatorship.⁵⁸ And a return to dictatorship is what new democracies admittedly and hopefully want to avoid.

Under these circumstances, the media’s role of “informal external oversight” involves acting as a “watchdog” that guards against government wrongdoing and abuse of power, and exposes government transgressions to domestic and international audiences, thus fostering public scrutiny of government, and even prompting responsive government. As American scholar Loch K. Johnson has stated, “. . . the virtue of democracy lies not in its ease,” but in its promise to protect the people from the abuse of power—perhaps most especially secret power.⁵⁹ Likewise, Marina Caparini argued, the media help “hold political and state actors accountable by showing their audience what is actually happening, which may be quite different from what policy-makers, politicians or diplomats claim to be happening.”⁶⁰ The informal oversight carried out by the media usually occurs through the lens of scandal, such as the exposure of human rights abuses, misappropriation of funds, or other such violations which may force the formal control and oversight mechanisms to do their job more effectively, that is, to start investigations, reprimand wrongdoing, and change legislation. Media thus sounds “fire alarms”⁶¹ that may motivate the official branches of the government to take appropriate actions. Or, as Loch K. Johnson stated:

A major intelligence scandal or failure—a shock—converts perfunctory patrolling into a burst of intense firefighting, which is then followed by a period of dedicated patrolling that yields remedial legislation or other reforms designed to curb inappropriate intelligence activities in the future. Sometimes the high-intensity patrolling can last for months and, if the original shock was particularly strong, producing a media

tsunami, even years. Once the firestorm has subsided and reforms are in place, however, lawmakers return to a state of relative inattention to intelligence issues.⁶²

He then noted, referring to the United States: "Congress has more authority to investigate intelligence . . . but . . . the media has more will."⁶³ All of this may have additional positive implications, such as the "preventive function of a critical and investigative media," whereby the media may in the future refrain from abuses and wrongdoing, which further prevents regress to non-democratic institutions.⁶⁴ Despite concerns about the objectivity of the press, the Brazilian media has, since the 1990s, been exposing reform challenges and failures, as well as abuses and wrongdoing in intelligence.⁶⁵ For example, in the early 1990s, the Brazilian press was the first to investigate allegations of corruption and abuse of power against then-President Fernando Collor; the matter then dubbed by some as the "Brazilian Watergate," which eventually led to his impeachment by Congress in 1992.⁶⁶ Also notable was the exposure by the media of the Satiagraha Operation, which resulted in hearings of ABIN Directors and other personnel before the Congress, and the firing of some ABIN directors.⁶⁷ In Spain, the *Caso Perote*, which led to media revelations about the death squads and illegal wiretapping by CESID, resulted in the resignations of Socialist Deputy Prime Minister Narcis Serra, Defense Minister Garcia Vargas, and CESID director Emilio Manglano.⁶⁸ More recently, also in Spain, the 2009 allegations by *El Mundo* about CNI Director Alberto Saiz's misappropriation of public funds, nepotism, and other abuses brought about internal (MOD) pressure for Saiz's removal, which ultimately led to President Zapatero's demanding Saiz's resignation.⁶⁹ In Argentina, too, the disclosure by the media that the Air Force's intelligence officers had conducted illegal surveillance on journalists and NGOs led to the prosecution of responsible officers.⁷⁰ But in all these cases the media have only occasionally succeeded in forcing the various governments' hand to bring about changes in intelligence.

A most relevant case, where, despite the government's sustained deterrence efforts, and even despite its (natural) proclivity to sensationalism, the media have been an active watchdog is Romania. By almost constantly exposing, to both domestic and foreign audiences, scandals, lack of reform, abuses, and illegal operations, its coverage has led to decreasing the number of intelligence agencies; boosting the vetting, screening, and firing of the former Securitate officers, and promoting the recruitment of young personnel; championing transparency, including access to Securitate files, and a long-awaited lustration law. The informal oversight Romania's media have conducted on intelligence demonstrates that, as Hillebrand put

it, “While there is a danger of sensationalism, the media’s oversight process, by its very nature, is more directed at the wider public.”⁷¹

The Press’s Investigative Function. Part of this function is often referred to as “investigative journalism,” namely the ceaseless search by a journalist (or many) of possible wrongdoing, law-breaking, or abuse of power within government and other public institutions. Yet, this function is somewhat underdeveloped in the new democracies, especially during the early transition phase, but not entirely impossible. As recognized experts regarding DCAF contend: “Despite many obstacles to media supervision of intelligence, there are always some reporters who will report to the public and to parliament, providing more information than the intelligence services would wish to have disclosed, information which editors will happily highlight on television or print on their front pages.”⁷² After disclosure by U.S. journalist Dana Priest in 2005 of the CIA’s “black sites” in several countries in Europe, several journalists from other countries began looking into these allegations, which subsequently led to the creation of Committees of Investigations in the legislatures of several European countries. In Romania, investigative journalism on the presence of former Securitate in key positions within the government and intelligence agencies, as well as on the slow process of removing them from those services, led to substantial vetting reforms. The most relevant example is the 2002 revelation by a Romanian newspaper of a long list of Securitate officers occupying key positions within the intelligence services. At the same time, international, in particular U.S., media coverage on NATO’s potential unwillingness to share classified information with former Securitate officers led to Romanian agencies conducting background checks and granting security clearances to intelligence officials who were to work with NATO and to more detailed measures for purging the agencies of former Securitate officers and institutionalizing measures of protection of classified information.⁷³ In Argentina, too, investigative journalists exposed illegal wiretapping in the 1990s, which led to criminal investigations.⁷⁴

The term “media” thus embodies, as Maria Caparini has put it, an “‘unofficial opposition’ or fallback accountability mechanism: when internal control does not check questionable behavior, and external control does not identify and challenge it, the potential exists in a free society for insider whistle blowing (leaks) or an investigative journalist’s report to draw attention to it.”⁷⁵ But, media, along with other civil society components, can work directly with formal oversight mechanisms, in particular members of the executive and committees in the legislatures, to assist them in setting agendas for security and intelligence meetings, crafting intelligence-related legislation and policies, and providing a second

opinion with regard to existing legal framework and policies.⁷⁶ It can also assist in developing questions, inquiries, and debates on security and intelligence-related issues. This aspect is very important in new democracies, where the tendency, at least at the beginning of transition, is to formulate security/intelligence policies with little or no formal debate among the branches of the government and between the government and the citizens. A study on the media's role in the new democracies of Central and Eastern Europe has indicated that the media in these countries support "the adoption of democratic norms and play a pronounced constructive role in political consolidation." And, according to DCAF expert Antje Fritz, in some Eastern European countries "the media does not support political apathy... but rather influences the engagement and involvement of the citizens."⁷⁷ The adoption of the law on the Freedom of Information (FOIA) was a success of transparency in Romania in two ways: it granted Romanians access to government records; and it initiated fruitful cooperation among government, political parties, and the general public. This was the first time that the public's representatives had participated in the lawmaking process from the beginning to the end, allowing them to provide valuable insight to the law drafters (including even some international critique on the drafts), and allowed the media to become more familiar with specific issues pertaining to freedom of information.⁷⁸

Providing a "Learning" Environment for Elected Officials and the Public

Last, and related to the previous three roles, the media constitute a "learning" environment for policymakers, a critical function vis-à-vis national security and intelligence issues. In new democracies, and sometimes in long established ones, civilian policymakers lack either expertise or interest in intelligence and security issues because these concerns do not bring in any votes. To be "effective overseers"⁷⁹ elected officials, particularly lawmakers, need to increase their intelligence and security awareness, but most importantly, to build into the bureaucratic culture better incentives to encourage their interest in intelligence and in performing their duties of assuring intelligence accountability. The media—along with other civil society actors, such as non-governmental organizations, academia, and interest groups—can be suitable vehicles toward these ends. Involving politicians in education and debate on security issues and policymaking could increase their expertise. While incentives "could include prestigious awards presented by the congressional leadership and civic groups to dedicated and accomplished overseers, Capitol Hill perks dispensed by the leadership based on the devotion of

lawmakers to accountability.” Claudia Hillebrand noted that “publicity in national and hometown newspapers underscoring admirable oversight achievements by individual members” could also stimulate elected officials’ interest and involvement in intelligence and security issues and oversight.⁸⁰

Specialized journals and magazines, blogs, television talk shows, Internet Websites, to name a few, provide opportunities for elected officials to increase their expertise in their field of activity. Further, since official annual activity or inquiry reports are not always accessible or illuminating for the public, the media can provide the citizenry with detailed information, and present it in an easier yet more insightful way.⁸¹ The Romanian press, including newspapers like *Ziua*, *Jurnalul National*, *Romania Libera*, *Adevarul*, *Curentul*, would present yearly reports and comment about them. Through their public relations offices, intelligence agencies themselves use media to educate the public about the purpose and role of intelligence in a democracy, an effort which may increase their credibility. The media is also the place where both intelligence insiders and outsiders can contribute to the development of the literature on defense, security, and intelligence, thereby also playing a part in increasing policymakers’ and citizens’ expertise and knowledge in intelligence. The Mongolia National Intelligence Academy’s Research Center, for example, not only organizes conferences on intelligence and democracy but also publishes a peer-reviewed academic journal.⁸² The Romanian intelligence community likewise utilizes media to increase public and official knowledge and expertise on intelligence. Of the many journals, books, and articles written by SRI and DGIA personnel, worth mentioning is the first-ever article on reform of intelligence analysis in Romania, published in these pages in 2012 by the SRI’s Mihaela Matei and Ionel Nitu, was among the earliest studies on this topic in the new democracies.⁸³

CHALLENGES TO THE MEDIA’S ROLE IN INTELLIGENCE REFORM

Several key challenges can constrain the media’s role in intelligence reform. They include: antithetical cultures; simultaneously similar and different goals and needs; exclusive or excessive reliance on government sources; lack of expertise and professionalism; “deterrence” practices employed by governments toward the media; limited resources; legacies of the past; corruption and organized crime; and overall democratic regress.

Antithetical Cultures

Intelligence and the media possess almost diametrically opposed institutional cultures. The media are divided into many competing and self-regulating subgroups, with virtually no universal professional standards, while

intelligence agencies are part of the national security “team,”⁸⁴ and generally have established professional and ethical standards as well routinized practices.⁸⁵ In addition, while the media can and often do collectively play a key role in holding government institutions accountable, its members are not accountable to anyone.

Simultaneously Similar and Different Goals and Needs

That the two institutions have simultaneously similar and different goals and needs may have both positive and negative implications for the media's role vis-à-vis intelligence. Both media and intelligence aim and need to collect news and information, which may entail sympathy, and even mutual support. But, intelligence agencies, as bureaucracies working in secret, need and want to control and conceal at least some—perhaps a great deal of—information from the public in order to remain effective, whereas the media need and want to uncover, expose, and disseminate information in order to stay in business. This makes it difficult for the media to exert their role. Likewise, the media need a “story” and seek to “sell” that story to the public in order to make a profit, while the intelligence agencies need to keep to themselves whatever “story” they have so as to be able to continue working effectively as they seek to support national security by carrying out roles and missions assigned by elected officials. Under these circumstances, a mutual lack of trust develops between the media, which favors transparency, and intelligence agencies which call for secrecy.

The media view of intelligence generally consists of the following: intelligence agencies are always trying to hide mistakes; intelligence agencies can and do lie; secrets are always waiting to be discovered; intelligence agencies need to be accountable and transparent. Intelligence agencies view the media in this context: intelligence agencies need to be effective, thus some secrecy is needed; reporters don't understand the need for withholding some information; the media can interfere with ongoing operations; reporters are always digging for dirt; the media sensationalize stories. For intelligence, then, the media tend to be “a subversive, rather than a positive, element.”⁸⁶ That perspective makes it difficult for journalists to access data and information related to intelligence, contact and communicate with IC professionals, and influence security and intelligence policies. Yet, despite these challenges, the professionals in each field consistently attempt to use one another to fulfill their day-to-day duties.⁸⁷ Former congressional aide Pat Holt agreed, that the intelligence sector needs media to tell some of its story, while the media need intelligence to get an exciting story.⁸⁸ Thus, intelligence and the media have a tense but symbiotic relationship, with the “Liaise” and “Watchdog” functions providing sufficient examples in this context.

Tradition of Secrecy

The tradition of secrecy surrounding intelligence organizations and their work challenges media efforts to inform the public about government institutions, policies, and activities. In many new democracies, at least at the beginning of the transition, a “culture of secrecy” has been inherited from the old regimes, whereby intelligence agencies tend to classify and over-classify everything. This was certainly the case in many countries of Central and Eastern Europe after the transition from Communism. Later in the process of democratization governments still tend to use “national security” to limit access to information, even if frameworks for dealing with the media exist, such as the right to freedom of press, or Freedom of Information Act-type regulations. That situation develops because many secrecy laws enacted to ensure the safeguarding of government secret information (such as Romania’s 2002 Law on Access to Classified Information), coupled with mechanisms and processes of protection of classified information (such as Romania’s system of protection of classified information), prevail over a FOIA. “Judicial deference” may not help if the courts have difficulty in forcefully defending media independence against government petitions for upholding national security.⁸⁹ Bulgaria’s IC remains heavily surrounded by secrecy and is not at all interested in winning “‘hearts and minds’ within society.”⁹⁰ While freedom of speech and the media are guaranteed by Spain’s 1977 constitution, no freedom of information legislation has been enacted despite attempts to do so in 2011, making it difficult for media to access government data and information, more so when it comes to intelligence.⁹¹ Moreover, Spain has no legal framework for allowing declassification of intelligence data and information, which therefore remains a challenge.⁹² In addition, the successful terrorist attacks of 11 September 2001 on the U.S., and the resulting increased worldwide preoccupation with effectively fighting terrorism, have effectively prompted new democracies to constrain freedom of expression and access to government information, as well as limiting public scrutiny of the intelligence organizations and their work. As Antje Fritz has noted: “It has become considerably easier for intelligence services to control the media than for the media to make intelligence-related issues transparent to the public. At the same time, the media has been weakened in its ability to gain access to information and, in some cases, is obliged to hold back information.”⁹³

Limiting access to information is understandable in terms of fulfilling policy objectives, protection of sources or methods, and/or safeguarding the national and public interest. But the reverse is true when it occurs for personal or political reasons, or to conceal information that may result in the embarrassment of government institutions or public figures. For

example, not disclosing the names of intelligence operatives abroad during the Cold War may have been acceptable; but to subsequently classify as top secret information that protects politicians who were informants during that era, or classifying information in order to cover up corruption, incompetence, abuse, and even criminal activities is not acceptable. Even intelligence agencies that are institutionalizing PR and support reporting on success stories remain concerned with endangering sources, methods or operations. My discussion with Romanian intelligence professionals in 2010 revealed that, while they are grateful when the media cover positively the fight against terrorism and organized crime, and prefer to be not mentioned, they nevertheless understand the idea and benefit of public relations.⁹⁴ Under these circumstances, secrecy has some broader negative implications on the relationship between the government's intelligence agencies and the citizenry, which, in a new democracy, remains brittle due to the abusive past. That lingering odium and rejection tend to trump public support for intelligence and delay the development of intelligence and security culture.

Another challenge for the media related to secrecy is how to deal with classified information when received—whether to publish or not—especially when the new democracies may lack legislation in this context. Pat Holt noted that the general rule of publishing the information seems to prevail unless the intelligence agencies provide a credible argument that its dissemination will seriously harm the nation's security.⁹⁵ Surprisingly, however, even in new democracies, the media may voluntarily withhold information that may jeopardize the national, and even international, security. In Romania, in 2006, when the media got hold of a computer disc with classified information which belonged to the Military Intelligence Directorate, they refrained from publishing it because it contained data on Romania's and the international coalition's efforts in Iraq and Afghanistan.

Exclusive or Excessive Reliance on Government Sources

The media can be easily compromised by its association with the political class and intelligence agencies. Journalists covering intelligence and security issues, which are otherwise hard to access due to secrecy, depend significantly on information provided by intelligence agencies and other government institutions. Nevertheless, exclusive reliance on official government sources begets an "adulteration" of media coverage, which has negative consequences.⁹⁶ In essence, the media become the government's "voice" rather than its "vehicle of communication." The views of government on a particular issue or policy are thereby conveyed without being able to ensure the proper verification of information, or perhaps

without seeking or offering alternative views or critiques. Next, the media may self-censor, in that they deliberately refrain from covering issues and policies that are not formally brought up or, if alleged by opposition or international media, confirmed by the government. For example, while the international media and human rights groups were very vocal about the existence of “black sites” in Romania and other European countries, and called for thorough investigations of any human rights violations, the Romanian media seemed to be less aggressive vis-à-vis the concern about secret prisons. In Spain, newspapers “receive large government subsidies, which encourages self-censorship.”⁹⁷ For instance, in Catalonia, the Catalan government funds some newspapers and public radio and television networks, and these media outlets “are highly reluctant to root out and reveal wrongdoing” within the government.⁹⁸ Further, the Catalanian media, willingly or not, favors “spin,” namely, the carefully fabricated and controlled formal statements that represent the perspective or opinion of the government or a particular member of the government on a specific issue. Spain’s two big political parties—Partido Socialista Obrero Español (PSOE) and Partido Popular (PP)—ban public or private television crews’ access to their executive meetings and to the big campaign meetings; they themselves produce the audiovisual material to be distributed to the media afterwards.⁹⁹ Obviously, spin is accepted. As Pedro Gonzalez commented “These unreasonable restrictions spell a sad decline in the practice of independent journalism.”¹⁰⁰ Finally, the media may curry a favor to a politician or intelligence professional by either covering, or refraining from covering, a specific issue that gives preference to, or does a disservice to, certain members of government. Spain’s highly politicized media is an exemplar here.¹⁰¹

This reflects media’s concern that any criticism of government actions or inactions, developments, or policies of may endanger its access to the official source, and affect the media’s capability to properly inform citizens as well as to perform informal oversight of intelligence. In addition, the presence of undercover intelligence personnel in the media business—a frequent practice in new democracies—which might influence reporting on issues favorable to the IC, also challenges media’s role in the democratic control of intelligence. Furthermore, the creation of vast business conglomerates, which often include media firms, can elicit tight government or corporate control of media ownership, diminish variety in media coverage and opinions, link corporate interests to the media, and bolster politicization of the media.¹⁰² As Spain’s Pedro Gonzalez has observed:

The existence of multimedia groups is a big temptation for politicians and for enterprises. They know that if a plausible report is fed to the radio

station of any media group, then the TV station and the newspapers of the same news corporation will follow, spreading the story rapidly. And [they] may comment in such a way as to pass on the report as true, even when it is a fiction. So false or partially false news can become established as real in the minds of listeners, viewers or readers, and it can become impossible to refute it.¹⁰³

In Spain, “the concentration of the media in a handful of large holding groups, and the self-imposed censorship or slanting of coverage in the major media, favoring certain business interests or political parties” is of great concern.¹⁰⁴

Lack of Expertise and Professionalism

A lack of expertise and ability among journalists to engage with issues related to intelligence challenges the media's role in intelligence reform as well. In new democracies, the lack of professionalism in journalism, coupled with lack of expertise in intelligence, negatively impacts the media's capacity to inform, frame discussions and debates, contribute to the development of an intelligence and security culture, and conduct effective informal oversight, but more importantly, may jeopardize sources and methods or ongoing operations. Instead, it can lead to sensationalism for profit versus objectivity for national security. For example, the tendency for inexperienced journalists in new democracies is, at least at the dawn of transition, to publish stories without conducting any prior verification, which, unfortunately, often turn out to be false. That becomes possible because of an unclear or non-existent legal basis for media. In Spain, Pedro Gonzalez reports, “unsubstantiated rumor has largely taken the place of genuine news in the information accessed by the internet-using public.” As a result, “PR and press departments . . . have to work hard to dispel such rumors and gossip. The advent of 24-hour news has led to further problems for the media and their ability to retain trust.”¹⁰⁵ In Poland, between 1989–1997, at its worst, noted Frances Millard, the press undermined “democratic ideals by preaching intolerance and conformity, attacking or supporting government regardless of merit”; it was “tendentious, intolerant, parochial, ill-informed and distasteful.”¹⁰⁶ This situation is even more damaging when dealing with national security issues and implications.

Equally challenging for the media's input to intelligence reform, particularly in its role of watchdog, are (1) “opinion journalism,” whereby journalists provide their personal opinions, sometimes highly biased and speculative, on a specific issue rather than reporting the facts; and/or (2) “tabloid journalism,” whereby journalists focus on and emphasize sensational topics such as gossip and defamatory columns or coverage about the personal lives of intelligence and other government officials.

Profit-making prevails over providing quality products to serve citizens' interest. Cases of sensationalism and tabloidism of media are plentiful throughout the world. In addition, while advances in technology may increase the availability of information to the media independent of government control, the media's dependence on the intelligence services for "sellable material" may increase.¹⁰⁷

Government's "Deterrence" Practices

When media coverage in new democracies tends to show governments and intelligence agencies in a poor light, the regimes attempt to manipulate or discourage the media from continuing to do so. For example, in Romania, the SRI's first Director, Virgil Magureanu, tried to close a newspaper unfavorable to the government in order to stop its investigative coverage. Also, former Defense Minister Ioan Mircea Pascu tried to intimidate an investigative journalist, threatening that he was aware of "all he (the journalist) is doing, where he is going, what and with whom he is talking," thus implying that the journalist was under surveillance by the intelligence directorate within the Ministry of Defense.¹⁰⁸ In Spain, according to a Freedom House report of 2011, a "disturbing trend of violence and threats against journalists" had begun, including one against journalist Gorka Ramos, who was beaten, arrested, and indicted for disobeying authorities while covering anticorruption protests in front of the Ministry of Interior.¹⁰⁹ Thus, according to Richard Schweid, Spain's journalists find it cumbersome "to do serious government reporting without the benefit of hard facts. . . . Currently, public officials are under no legal obligation to open their books, reports, or statistics to inspection, and requests for them to do so, whether from citizens or journalists, are routinely denied or ignored. Reports prepared with public funds on everything from day-care inspections to crime statistics are available only for those who can prove a 'need to know,' and a direct relationship to the information."¹¹⁰ The role of security institutions in safeguarding national security involves a mutual trust between government and the public they are supposed to serve. Civil society and the media may help preserve that trust intact, but if governments ignore the media, or make negative assumptions about it, the trust may vanish. Governments should remember that the media have "tremendous capacity to influence people, and an organization's involvement with the media, will in turn, influence people."¹¹¹

Limited Resources

Investigative journalism is expensive and time consuming. Reliance on public funding—which may fuel cheerleading and eye-closing by the media toward

intelligence agencies and government policies, and similarly on private funding (which may fuel constraints on the media by corporate leadership)—is equally challenging for the media's unbiased role in intelligence reform. The Spanish examples are relevant to this point. As Marina Caparini noted,

Ongoing coverage of intelligence-related issues—which is more likely to provide scrutiny and accountability than event-driven coverage—is unlikely except in states with large intelligence apparatuses, as in the US, or states having a recent history of repressive intelligence agencies and deep societal interest in the subject, as is the case in Romania.¹¹²

Legacy of the Past

Media in states that are transitioning from nondemocratic regimes to democracy face additional challenges. In some cases, such as transitions from sultanistic or totalitarian regimes which lack pluralism, meaning a parallel society and underground opposition and media (including a *samizdat*), civil society and the media need to be created from scratch.¹¹³ In Romania, for example, civil society was essentially born at the beginning of the transition from the Ceaușescu regime, in the University Square of Bucharest, where a small group of students protested against a new government that opted for “Communism with human face” as opposed to democracy. They were joined by representatives of newly-created NGOs, private associations, labor union members, intellectuals, artists, and the media.¹¹⁴ But even when important institutional changes in the media occur, such as the creation of a legal framework for free and pluralistic media, private and public-owned television and radio stations, local and nationwide newspapers and magazines, blogs and the like, the challenge remains of developing a “professional” media. During the nondemocratic regime the journalists served the ruling clique; journalism meant “lying” and the fabrication of facts to support and serve the regime. This practice tends to continue, at least during the initial phase of transition. Likewise, at the beginning of regime change, the press tends to be either aggressive and indiscriminate, opting for sensationalism rather than serving the public interest, or it may continue the old practices of self-censorship, or do both. With regard to the intelligence sector, the lack of public support for intelligence due to abuses during the nondemocratic past, in parallel with a nonexistent intelligence culture among intelligence outsiders, may be present. Also manifest may be a lack of understanding as to why democracies need to institutionalize (hopefully, effective) intelligence agencies, or why the need for some secrecy is involved in intelligence work, as well as why democratic control mechanisms should exist and what should be involved. These issues tend to “deter” the media from providing unbiased coverage on intelligence,

let alone encouraging an intelligence and security debate, at least during the first years of transition. Instead, they tend to “prompt” the press to discredit intelligence. In addition, an enduring intolerance among government institutions towards the media in general, and investigative journalism in particular, as well as cooptation, abuse, and coercion of journalists by elected officials—hangovers of the nondemocratic past—also challenge the media, especially investigative function. As the current SRI Director, George Maior, has noted, the legacy of the past has had “direct effects on the ways leaders . . . defined and supported the restructuring of their secret services, as well as on the relationships between intelligence producers and consumers and between the intelligence agencies and public opinion.”¹¹⁵

The key institutional change to overcoming this obstacle is for journalists to take on a new role: professionally utilizing their personal judgment and analysis. In Romania, in the immediate aftermath of the Communist collapse, the press was aggressive and indiscriminate, opting for sensationalism rather than serving the public interest. For instance, the media reported alleged links between Radu Timofte and the Soviet KGB immediately before the 2000 elections when he was proposed for SRI director, demanding his withdrawal from consideration for that position. But, as it turned out, not only had Timofte not been involved with the KGB, but his career in the military was terminated by the SRI’s predecessor, the Securitate, in the 1980s because his sister had emigrated to the United States.¹¹⁶

Things have changed somewhat in the more than two decades of democratization. Legislation protecting both the media and individuals has been passed, and laws now regulate journalistic ethics, free access to information, audio-visuals, slander, and libel. Departments teaching media, communications, journalism, and public relations have been created in almost all Romanian universities to ensure professional and academic training, and the use of foreign expertise has opened doors for the country’s journalists. The press has become increasingly more professional, ethical, and spirited. Nevertheless, as everywhere, the Romanian media remains a profit-oriented business and sensationalistic coverage will always happen.

Corruption and Organized Crime

In emerging democracies, corruption and organized crime are fueled by the frail legitimacy of the political class and fragile state institutions; free movement policies; poverty and inequality; increased insecurity due to conflicts, criminal activities, or terrorism in neighboring areas; as well as increased opportunities for enrichment through illegal avenues. Criminal groups are wealthy enough to corrupt state institutions (for example, by buying immunity from prosecution), or, worse, to directly penetrate them (including the intelligence agencies), let alone through their impact on the

media. Corruption in the media clearly affects its capacity to remain unbiased and free.

Overall Democratic Regress

If transition states cannot, or deliberately refuse to, provide basic human rights, freedoms, and liberties for their citizens, ensure political freedom, pluralism, and competition, establish free market economies, institutionalize democratic civilian democratic control and oversight of the security sector, and, most importantly, foster the development of vigorous civil societies and free media, they, almost by definition, fail to democratize.¹¹⁷ As these countries remain moderately or strongly authoritarian, intelligence agencies are more likely to remain unreformed and non-democratic. In Russia, for example, the media are controlled by President Vladimir Putin, who is supported by the intelligence services. These circumstances do not promote investigative journalism, real intelligence and security debate, or encourage learning about intelligence.

The media thus face various obstacles and challenges in reporting on security and intelligence-related issues and performing informal external oversight of the government. Overcoming these obstacles involves bringing about and maintaining a “workable” media-government relationship that includes: a robust legal framework to regulate the media, protect freedom of speech and information, and ensure transparency; support for freedom of the media and investigative journalism throughout all strata of society, including government; and, a continuous striving to institutionalize a professional media that is capable of distancing itself from the government and ensuring unbiased coverage.¹¹⁸ As Antje Fritz has noted:

The media and intelligence services need each other in order to achieve effective security policy on the one hand and democratic legitimisation on the other hand. This is why filters, including selfregulations have some sort of justification, while at the same time it is of crucial importance that journalists do not stop observing and monitoring their states and societies carefully.¹¹⁹

MEDIA'S IMPACT ON CONTROL VERSUS EFFECTIVENESS¹²⁰

Media's contribution to democratic reform of intelligence faces several challenges associated with the two institutions' goals, roles, and views. Government's reliance on secrecy, a lack of media professionalism, the reliance on official sources, as well as corruption, organized crime, and overall democratic regress are factors affecting the relationship. Despite these challenges, and whether sensationalist or not, the media in new democracies can play an informal, yet more or less nonlinear, role in

democratization of intelligence. They inform the citizens with regard to intelligence issues and changes, foster debates on such topics, knit more closely the citizenry and government, informally monitor intelligence agencies and help legitimize them, and contribute to the development of an intelligence culture in new democracies.

Influence on the Requirements for Control

In new democracies, the media relevantly influence the control dimension of democratic reform of intelligence. Of the three requirements for “control,” the media collectively seem to have the highest influence on “control” and “oversight.” With regard to “control,” in some new democracies, media coverage, debates, and analyses and media’s direct involvement with the government agencies in developing democratic institutions have had a certain say in the development of intelligence and security-related legal frameworks. They have also influenced institutions, including civilian-led agencies, as they seek to achieve agency accountability and transparency and effectiveness. With regard to “oversight,” in many new democracies reporting, debates, leaks, and “fire alarms” sounded by either sensationalist or investigative media on wrongdoing, abuses, corruption, and lack of reform, have forced the formal control/oversight bodies to bring about such changes as legal measures by the Executive, inquiries in the Legislature, and investigations by Judicial Courts, which have led to more democratic legislation, organization, structures, human resources, and roles and missions for the intelligence agencies. In addition, media’s role in educating the public and policymakers on matters pertaining to intelligence has contributed to increasing the awareness of formal oversight bodies’ about the need for intelligence in a democracy, as well the value of expertise in performing their duties effectively, both of which have led to improved oversight. With regard to “professional norms,” investigative journalism, media warnings about ethical issues, illegalities, and abuses, have prompted intelligence managers to bring about changes in expertise, responsibility, and corporateness of their agencies. Nevertheless, the media have not always swayed policy.

All in all, as Professor Harry Howe Ransom put it, “[t]he press, with all of its problems, remains the chief accountability enforcer.”¹²¹ Thus, while it obviously has a great role in, and makes a significant contribution to, the control and oversight of intelligence, the question remains: Can media contribute to intelligence effectiveness?

Influence on Requirements for Effectiveness

Although seemingly counterintuitive, relatively free media in new democracies may indirectly influence the effectiveness of intelligence,

though certainly not as much as it positively impacts democratic civilian control. Of the three requirements for effectiveness, the media have the most influence on “plans” and “institutions.” With regard to “plans,” in some new democracies, debates on strategic documents have taken place between the government and the public in the media, and some governments have taken these debates into account, among them Romania, Chile, South Africa. With regard to “institutions,” media debates on threats and the need for capable security institutions may have improved the knowledge and education of leaders within the executive branch, enabling them to “invest” in security and intelligence, and draw up policies and strategies.

All in all, the media's impact on plans and institutions has led to an improved intelligence cycle: Policymakers' increased expertise has resulted in better requirements and guidance, notably in Romania, and hopefully better policies. With regard to “resources” however, the media's influence has been minimal and perhaps damaging: while media may have contributed to the debate—especially through public relations events—on why democracies need effective intelligence, and may have educated civilian elites on the need to provide sufficient resources to agencies in order for them to do their jobs effectively, in many situations the media have actually called for budget cuts, which are often detrimental to intelligence effectiveness.

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- ³ Additionally, not only do CCMR and DCAF strive to enrich the literature on intelligence and democratization, but they also assist new democracies to revamp their intelligence apparatuses, through various programs and courses.
- ⁴ In the contemporary security context, current roles and missions of most security forces fall into at least six major categories: (1) fight, and be prepared to fight, external wars; (2) fight, and be prepared to fight, internal wars or insurgencies; (3) fight global terrorism; (4) fight crime; (5) provide support for

humanitarian assistance; and, (6) prepare for and execute peace support operations. For a discussion on roles and missions, and the mixes in different countries, see Paul Shemella, "The Spectrum of Roles and Missions of the Armed Forces," in *Who Guards the Guardians and How: Democratic Civil-Military Relations*, Thomas Bruneau and Scott Tollefson, eds. (Austin: University of Texas Press, 2006).

- ⁵ Due to the peculiar characteristics of intelligence (including the secrecy that inevitably envelops intelligence activities and budgets, and prevents us from ensuring a credible cost-benefit analysis), our analysis will not include efficiency, thus, will be limited to only two of the afore-mentioned parameters of the CMR trinity—control and effectiveness. Thomas C. Bruneau and Florina Cristiana (Cris) Matei, "Towards a New Conceptualization of Democratization and Civil-Military Relations," *Democratization*, Vol. 15, No. 5, 2008, pp. 909–929; Thomas C. Bruneau and Florina Cristiana Matei, *The Routledge Handbook of Civil-Military Relations* (London: Routledge, 2012); Thomas C. Bruneau and Florina Cristiana "Chris" Matei, "Intelligence in the Developing Democracies: The Quest for Transparency and Effectiveness," in *The Oxford Handbook of National Security Intelligence*, Loch K. Johnson, ed. (New York: Oxford University Press, 2010).
- ⁶ Although it is rather difficult to assess effectiveness, it is important to have such institutions as a ministry of defense and a national security council.
- ⁷ For a review of literature on democratic consolidation see Thomas C. Bruneau and Florina Cristiana Matei, eds., *The Routledge Handbook of Civil-Military Relations*.
- ⁸ See Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe* (Baltimore, MD: Johns Hopkins University Press, 1996), p. 10.
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- ¹⁰ Judith Lichtenberg, "Introduction," in *Democracy and the Media*, Judith Lichtenberg, ed. (New York: Cambridge University Press, 1990), p. 1; Julianne Schultz, *Reviving the Fourth Estate: Democracy, Accountability and the Media* (New York: Cambridge University Press, 1998), p. 52.
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- ¹² Sanford J. Ungar, "The Role of a Free Press in Strengthening Democracy," p. 368.
- ¹³ Dusan Reljic, "Media, Civil Society and the Quest for Transparency and Accountability of the Security Sector," Working Paper FG2, SWP Berlin, July 2005, pp. 1–12.
- ¹⁴ Kenneth Dombroski, Materials for course NS 3155, Naval Postgraduate School, Monterey, CA.
- ¹⁵ See Eduardo E. Estévez, "Intelligence in Peru: The Tortuous Quest for Democratization," paper commissioned for course NS3155, Naval Postgraduate School, Monterey, CA, June 2010.

- ¹⁶ Eduardo E. Estévez, "Intelligence Democratization in Argentina: Achievements and Challenges," paper commissioned for course NS3155, Naval Postgraduate School, Monterey, CA, June 2010.
- ¹⁷ Jon Moran, "South Korea," in *PSI Handbook of Global Security and Intelligence. National Approach*, Stuart Farson, Peter Gill, Mark Phythian, and Shlomo Shpiro, eds. (Westport, CT: Praeger Security International), pp. 291–294.
- ¹⁸ For more information see: Jargalsaikhan Mendee and Adiya Tuvshintugs, "Consolidating Democracy: The Reform of Mongolian Intelligence," *International Journal of Intelligence and CounterIntelligence*, Vol. 26, No. 2, Summer 2013, pp. 241–259.
- ¹⁹ Claudia Hillebrand, "The Role of News Media in Intelligence Oversight," *Intelligence and National Security*, Vol. 27, No. 5, 2012, pp. 689–706.
- ²⁰ Antonio M. Díaz Fernández, "The Need and Role of Intelligence Services in a Democracy: Balancing Effectiveness and Transparency," paper commissioned for course NS3155, Naval Postgraduate School, Monterey, CA, June 2010.
- ²¹ Vicky Randall, "Introduction," in *Democratization and the Media*, Vicky Randall, ed., (London: Frank Cass, 1998), pp. 1–5.
- ²² Marina Caparini, "Media and the Security Sector: Oversight and Accountability."
- ²³ Peter Gill and Mark Phythian, *Intelligence in an Insecure World* (Cambridge, UK: Polity Press, 2006), p. 94.
- ²⁴ Stéphane Lefebvre "The Czech Experience with Intelligence Reforms (1993–2010)," paper commissioned for course NS3155, Naval Postgraduate School, Monterey, CA, June 2010.
- ²⁵ The author participated and lectured both in Brazil and Portugal events.
- ²⁶ Claudia Hillebrand, "The Role of News Media in Intelligence Oversight."
- ²⁷ They alleged that the British official would have sent a letter to the Czech Minister of Defense informing him of the Iraqi case. See Stéphane Lefebvre "The Czech Experience with Intelligence Reforms (1993–2010)."
- ²⁸ The operation was illegal, not only because only a few of the monitored people were under investigation, but it involved the unlawful participation of ABIN agents, who are legally banned from conducting wiretappings. See Joannisval Brito Gonçalves, "The Need and Role of Intelligence Services in a Democracy—Balancing Effectiveness and Transparency. The Case of Brazil," paper commissioned for course NS3155, Naval Postgraduate School, Monterey, CA, June 2010.
- ²⁹ Information was collected to be used for blackmail purposes. See Antonio M. Díaz Fernández, "The Need and Role of Intelligence Services in a Democracy: Balancing Effectiveness and Transparency." Media reports indicate the leaked documents dealt with plans to create the death squads, which killed 27 people from 1983–1987. The squads operated against the armed Basque separatist group ETA in the south of France, available at <http://www.apnewsarchive.com/1997/Spain-s-former-covert-operations-chief-sentenced-to-seven-years/id-cbafdbd43779865fa7ed0f6aeb7f3a01>

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- ³¹ Richard Schweid, "Spain's Not-So-Free Pres. Long-Promised Freedom-of-Information Legislation Stalls," 8 January 2011, at http://www.cjr.org/reports/spains_not-so-free_press.php?page=all
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- ³³ Lauren Hutton, "Secrets, Spies and Security. An Overview of the Issues," in *To Spy or Not to Spy? Intelligence and Democracy in South Africa*, Lauren Hutton, ed., Institute for Security Studies Monograph No. 157, February 2009, pp. 1–106.
- ³⁴ Thomas C. Bruneau and Florina Cristiana Matei, *The Routledge Handbook of Civil-Military Relations*.
- ³⁵ Eduardo E. Estévez, "Intelligence Democratization in Argentina: Achievements and Challenges."
- ³⁶ Jargalsaikhan Mendee and Adiya Tuvshintugs, "Consolidating Democracy: The Reform of Mongolian Intelligence."
- ³⁷ Eduardo E. Estévez, "Intelligence in Peru: The Tortuous Quest for Democratization."
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- ³⁹ Claudia Hillebrand, "The Role of News Media in Intelligence Oversight."
- ⁴⁰ Alex Martin, "The Lessons of Eastern Europe for Modern Intelligence Reform," *Conflict, Security & Development*, Vol. 7, No. 4, 2007, pp. 551–577.
- ⁴¹ There is a thorough need for improving transparency, especially in regard to outreach to academia. See: Valentin Fernand Filip and Remus Ioan Stefureac, "The Dilemmas of Linking Romanian Intelligence, Universities, and Think Tanks," *International Journal of Intelligence and CounterIntelligence*, Vol. 24, No. 4, Winter 2011–2012, pp. 711–732.
- ⁴² For more information see: Jargalsaikhan Mendee and Adiya Tuvshintugs, "Consolidating Democracy: The Reform of Mongolian Intelligence."
- ⁴³ *Ibid.*
- ⁴⁴ The NSIS has recently been replaced by the National Intelligence Service (NIS). However, the NIS Website still shows the NSIS's old Webpages.
- ⁴⁵ Hopefully, the NIS will continue the same strategy. The discussion on Kenya was based on Professor Letitia Lawson's presentation on Africa Intelligence Reform during a CCMR "Africa Regional Intelligence and Democracy" program in Nigeria, March 2013.
- ⁴⁶ <http://www.infoleg.gov.ar/infolegInternet/anexos/200000-204999/204243/norma.htm>; <http://www.infoleg.gov.ar/infolegInternet/mostrarBuscarBoletin.do>
- ⁴⁷ "SRI. O Reforma Reusita," 24 March 2011, at <http://www.ziare.com/articole/sri+succese+2010>
- ⁴⁸ Claudia Hillebrand, "The Role of News Media in Intelligence Oversight."
- ⁴⁹ "SONDAJ: Românii au încredere în Biserică și SRI," 11 March 2013, at http://www.realitatea.net/sondaj_1131899.html
- ⁵⁰ Thomas C. Bruneau and Florina Cristiana (Cris) Matei, "Intelligence in the Developing Democracies: The Quest for Transparency and Effectiveness."

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- 57 Claudia Hillebrand, "The Role of News Media in Intelligence Oversight."
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- 59 Loch K. Johnson, "Secret Spy Agencies and a Shock Theory of Accountability," Occasional Paper, University of Georgia, School of Public and International Affairs, pp. 1–17.
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- 61 Loch K. Johnson, citing Matthew D. McCubbins and Thomas Schwartz's "police patrolling" and "fire alarms" in Loch K. Johnson, "Secret Spy Agencies and a Shock Theory of Accountability."
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- Postgraduate School, Monterey, CA, December 2002, at <http://www.dtic.mil/cgi-bin/GetTRDoc?AD=ADA411244&Location=U2&doc=GetTRDoc.pdf>
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- ⁶⁷ Joannisval Brito Gonçalves “The Need and Role of Intelligence Services in a Democracy—Balancing Effectiveness and Transparency. The Case of Brazil.”
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- ⁸³ Mihaela Matei and Ionel Nițu, "Intelligence Analysis in Romania's SRI: The Critical 'Ps'—People, Processes, Products," *International Journal of Intelligence and CounterIntelligence*, Vol. 25, No. 4, Winter 2012–2013, pp. 700–726.
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- ⁸⁵ Douglas Porch, "No Bad Stories. The American Media-Military Relationship," *Naval War College Review*, Winter 2002, Vol. LV, No. 1.
- ⁸⁶ *Ibid.*
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- ¹⁰⁰ *Ibid.*

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- ¹¹⁶ See Larry L. Watts, "Control and Oversight of Security Intelligence in Romania," Working Paper No. 111, Geneva Centre for the Democratic Control of Armed Forces (DCAF), p. 18, at http://www.dcaf.ch/publications/Working_Papers///pdf. The SRI later published the names of several SRI officers who had faked information to discredit Timofte. See Cristiana Matei, "Romania's Transition to Democracy and the Role of the Press in Intelligence Reform."
- ¹¹⁷ Larry Diamond, *The Spirit of Democracy: The Struggle to Build Free Societies Throughout the World* (New York: Times Books, 2008), p. 22.
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- ¹²⁰ A summary of findings, in terms of Requirements for Control and Requirements for Effectiveness, is presented in Table 1.
- ¹²¹ Quoted in Loch K. Johnson, "Secret Spy Agencies and a Shock Theory of Accountability."